

MINUTES FOR THE SEMINOLE COUNTY BOARD OF ADJUSTMENT
OCTOBER 24, 2005
(postponed to November 7, 2005)

6:00 P.M.

Members Present: Mike Hattaway, Chairman; Alan Rozon, Tom O'Daniel, Melanie Chase and Michael Bass

Staff Present: Kathy Fall, Principal Planner; Michael Rumer, Senior Planner; *Ian Sikonia*, Planner; Arnold Schneider, County Attorney; Patty Johnson, Senior Staff Assistant

Mr. Hattaway, Chairman; called the meeting to order at 6:00 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

CONSENT ITEMS

1. **OVERLOOK DRIVE (LOT 10)** – Melanie Winters, applicant; Request for a lot size variance from 43,560 square feet to 35,574.75 square feet for a proposed home in the A-1 (Agriculture District); Located on the west side of Overlook Drive, approximately 200 feet east of the intersection Snow Hill Road and Overlook Drive; (BV2005-137).
Kathy Fall, Principal Planner

2. **OVERLOOK DRIVE (LOT 11)** – Melanie Winters, applicant; Request for a (1) lot size variance from 43,560 square feet to 31,442.50 square feet and (2) width at the building line from 150 feet to 125 feet for a proposed home in the A-1 (Agriculture District); Located on the west side of Overlook Drive, approximately 400 feet east of the intersection Snow Hill Road and Overlook Drive; (BV2005-138).
Kathy Fall, Principal Planner

3. **OAK AVENUE (LOT 11, BLOCK 3)** – Lisa Field, applicant; Request for a (1) lot size variance from 43,560 square feet to 8,250 square feet; width at the building line from 150 feet to 75 feet; and (3) front yard setback from 50 feet to 25 feet for a proposed home in the A-1 (Agriculture District); Located on the north side of Oak Avenue, approximately 225 feet east of the intersection Palm Drive and Oak Avenue; (BV2005-149).
Kathy Fall, Principal Planner

4. **ALPINE STREET (LOT 10, BLK E)** – David & Shana Larson, applicants; Request for (1) minimum lot size variance from 11,700 square feet to 6,615 square feet and (2) minimum width at building line variance from 90 feet to 45 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the south side of

Alpine Street, approximately 0.1 mile east of the intersection of Alpine Street and Virginia Avenue; (BV2005-142).

Michael Rumer, Senior Planner

5. **216 LAUREL PARK COURT** – Mike Beaudoin, applicant; Request for minimum side yard setback variance from 7 feet 6 inches to 4 feet 6 inches for a proposed home in the R-1A (Single-Family Dwelling District); Located on the west side of Laurel Park Court, approximately 0.1 mile north of the intersection of Howell Branch Road & Laurel Park Court; (BV2005-144).

Michael Rumer, Senior Planner

6. **1717 SUNSET TRAIL** – Jimmy & Tina Reynolds, applicant; Request for the renewal of the temporary placement of a mobile home, while a single-family dwelling is under construction, for one year in the A-5 (Rural Zoning District); Located on the west end of Sunset Trail, approximately 0.5 miles of the intersection of Forest Hill Way and Sunset Trail; (BM2005-027).

Kathy Fall, Principal Planner

Mr. Bass made a motion to approve Consent Items 1, 2, 3, 4, 5 and 6.

Mr. O' Daniel seconded they the motion.

The motion passed by unanimous consent (5-0).

CONTINUED ITEMS

7. **1752 STONE STREET** – James Propes, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning District); Located on the west side of Stone Street, approximately 0.18 miles south of intersection of Howard Avenue and Stone Street; (BM2005-025).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that the applicant appeared before the Board of Adjustment on October 24, 2005, the applicant felt he had proof that he received permanent placement of the prior mobile home that was on the property. She further stated that staff found that the applicant had received a five (5) year approval in 1984. She also stated that staff did not approve of permanent placement due to the trend of development in the area. She lastly stated that staff did not object to the limited placement of the mobile home.

James Propes stated that he had lived on the property since 1984. He further stated that his prior mobile home was destroyed by hurricane Frances. He also stated that that he would like to replace it with a 2006 Fleetwood double wide. He lastly stated that he received 66 signatures of support from his neighbors and that he would like permanent placement of his mobile home

Mr. Hattaway stated that if someone comes before the Board of Adjustment for a mobile home special exception, it should be permanent or not at all if the Board feels like it is a mobile home area. He further stated that if the trend of development in the area is conventional homes then the Board should not approve the request.

Mr. Rozon stated that the Board should consider each request case by case. He further stated that the trend of development and age of the mobile home are things he looks at in making his decision. He lastly stated that mobile homes were permitted in the Black Hammond area.

Mrs. Chase made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by (4-1) vote. Mr. Hattaway was in opposition.

8. **845 STATE ROAD 15A** – Deanna Beyer, applicant; Request for a special exception to establish an 150 foot tall monopole communication tower in the C-2 (Retail Commercial District); Located on the east side of State Road 15A, approximately 200 feet north of the intersection of Orange Boulevard and State Road 15A; (BS2005-017).

Kathy Fall, Principal Planner

This Item was continued until the November 28, 2005 meeting.

PUBLIC HEARING ITEMS

Kathy Fall stated Items 9 – 20 were Public Hearing Items and the applicants had failed to satisfy the criteria for granting variances, therefore staff has requested a public hearing for each of these items.

9. **1823 LINDEN ROAD** – Scott Kramer, applicant; Request for a side yard setback from 7 feet 6 inches to 3 feet 6 inches for an existing accessory structure in the R-1A (Single-Family Dwelling District); Located on the north side of Linden Road, approximately 300 feet east of the intersection of Linden Road and Elsinore Avenue; (BV2005-135).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant constructed a shed without a building permit and a notice of violation was issued from Code Enforcement on July 1, 2005. He further stated that staff received two (2) letters in opposition from neighbors.

Scott Kramer stated that he purchased his home last year and the previous owners put the shed in without permits. He further stated that the shed had been in place

with no problems from the neighbors. He also stated that it would be extremely difficult to move the shed.

Mr. Rozon made a motion to approve the request with the applicant committing to bringing the shed in compliance with the Building Department.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

10. **309 JACOBS TRAIL** – Ivan Estrella, applicant; Request for a rear yard setback from 30 feet to 18 feet 1 inch for an existing pool in the R-1A (Single-Family Dwelling District); Located on the east side of Jacobs Trail, approximately 700 feet north of the intersection of Snow Hill Road and Jacobs Trail; (BV2005-136).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that a permit was issued for the pool on July 11, 2005 by the Building Department. He further stated that on July 27, 2005 the Building Department inspected the property and asked for a survey because of the proximity of the pool to the lake. He also stated that when abutting a natural body of water a 30 foot setback is required per the Land Development Code. He lastly stated that staff received four (4) letters in support of the request and that the applicant stated that currently there is no Homeowners Association.

Ivan Estrella stated that they applied for a permit for the pool and the pool was approved to build. He further stated that the level of water changed with all the storms and they were asked for another survey. He stated that they were told by a building inspector that they were not within the mean high water line and they needed to apply for a variance. He lastly stated that he applied for the permit, got approval and stated building the pool.

Mr. O'Daniel made a motion to approve the request.

The motion died for a lack of a second.

Mr. Bass made a motion to deny the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

11. **3310 STERLING LAKE CIRCLE** – Jeffery Brown, applicant; Request for a side street setback from 20 feet to 10 feet for a proposed fence in the PUD (Planned Unit Development District); Located on the west side of Sterling Lake Circle, approximately 200 feet west of the intersection of Lockwood Boulevard and Sterling Lake Circle; (BV2005-140).

Ian Sikonia, Planner

Ian Sikonia introduced the location of the property and stated that the applicant wishes to extend his fence out six (6) feet toward the street. He further stated that Seminole County Traffic Engineering Department didn't have any issues related to the extension of the fence, however they can only approve up to 15 feet. He also stated that staff has received two letters from one neighbor, one letter in opposition and one in support of a 3 feet extension instead of 6 feet.

Jeffery Brown stated that the fence would not block the traffic view. He further stated that the reason they were making the request was because they were putting a pool in and they wanted to have a section in the back yard for their dog and granddaughter to play. He also stated that he spoke to his neighbor and agreed to put the fence with a 3 feet extension instead of 10, but he stated that he would like to get the variance as requested for the 10 feet, but if his neighbor moved he would put the fence out to 10 feet.

Mr. O'Daniel made a motion to deny the request.

The motion died for a lack of a second.

Mr. Bass made a motion to approve the request 3 feet off the side yard property line, which would be 13.5 feet from the side street.

Mr. Rozon seconded the motion.

The motion passed by a (3-2) vote. Mr. Hattaway and Mr. O'Daniel were in opposition.

12. **2428 CHANTILLY TERRACE** – Julio and Diana Rodriguez, applicants; Request for a side yard setback from 7 feet 6 inches to 6.69 feet for a proposed addition in the R-1A (Single-Family Dwelling District); Located on the east side of Chantilly Terrace, approximately 600 feet south of the intersection of Westminster Terrace and Chantilly Terrace; (BV2005-145)

Ian Sikonia, Planner

Ian Sikonia stated that the request could not be done administratively because the 10% would only equal out to 6.75 feet and the applicant request was 6.69 feet. He further stated that the applicant had submitted his request to his Architectural Committee but they had not voted on the request. He lastly stated that staff had received one (1) letter of support.

Julio Rodriguez stated that they wanted to add a second vanity in one of the bathrooms, because he had twin boys. He further stated he had a letter of approval from his Homeowner's Association.

Mr. Bass made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

13. **206 WEKIVA PARK DRIVE** - Francisco Torregrosa, applicant; Request for minimum rear yard setback variance from 200 feet to 75 feet for a proposed shed on property abutting the Wekiva River in the A-1 (Agriculture District); Located on the west side of Wekiva Park Drive, approximately 0.6 mile north of the intersection of S.R. 46 and Wekiva Park Drive; (BV2005-132).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that staff received one letter of support for this request. He further stated on October of 2004, a variance from 200 feet to 30 feet for an existing screen room in the area was approved.

Francisco Torregrosa stated that an existing shed on the property would be demolished and replaced by the proposed shed at 75 feet from the river's edge. He further stated that he spoke with both adjacent property owners, the property owner to the north issued a letter of support and the property owner to the south gave verbal support. He also stated that the purpose of the shed is to store boat and fishing equipment. He lastly showed the Board pictures of other structures in the area that did not meet the setbacks.

Mr. Bass made a motion to approve the request.

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (5-0).

14. **EARL STREET (303)** – Scott Miller, applicant; Request for minimum side yard setback variance from 10 feet to 7 feet 6 inches for an existing pool screen enclosure in the R-1AA (Single-Family Dwelling District); Located on the east side of Earl Street, less than 0.1 mile south of the intersection of Stanley Street and Earl Street; (BV2005-133).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the request was for a minimum side yard setback variance from 10 feet to 7 feet 6 inches for an existing pool screen enclosure.

Scott Miller stated that he was the Contractor for the applicant and that when he submitted the plans for the permit for the screen enclosure he was told the setback was 7.5 feet. He further stated that the home owner wanted the screen done right away and he went ahead and put it at 7.5 feet. He then stated that he was contacted by the Building Department and told the screen enclosure needed to be at 10 feet, which was why he was before the Board of Adjustment.

Mr. Bass made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by a (4-1) vote. Mr. O'Daniel was in opposition.

15. **2101 TERRACE BLVD** – Ronald Terrell, applicant; Request for minimum rear yard setback variance from 10 feet to 2 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located on the south side of Terrace Blvd, approximately 0.1 mile north of the intersection of Terrace Blvd and Charlotte Drive;(BV2005-139).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the request was for a minimum rear yard setback from 10 feet to 2 feet for an existing shed. He further stated that the shed was constructed without a permit, and a notice of violation from the Seminole County Building Department was issued on August 9, 2005.

Ronald Terrell stated that he constructed the shed about a month before he was cited by the Building Department. He further stated that he didn't know he needed a permit for the shed. He also stated he has a lot of trees and to move the shed he would have to remove some of the trees. He further stated that he currently has an Architect drawing up the design for the shed and he will bring the shed in compliance with the Building Department codes. He lastly stated the he had approval from some of his neighbors.

Sanford Cohn stated that he would like to say that Mr. Terrell is a nice neighbor. He further stated that he had a problem with Mr. Terrell building a structure so close to the property line. He further stated that he was concerned with possible fire and high wind damage that could occur to his property because of the structure being so close to the property line. He also stated that he was concerned that by allowing this setback variance in the neighborhood it would set precedence throughout the neighborhood. He further stated that there was no reason why the shed could not be build within the setback, because Mr. Terrell has plenty of room in his backyard to meet the zoning requirement. He also stated that he would assist Mr. Terrell in moving the shed. He lastly stated that from the signed letter of support none of those neighbors face directly behind the property, he stated he was the only one that did.

Ronald Terrell stated the yes Mr. Cohn does come directly to his backyard, but one of the neighbors that signed the letter also has a view of his backyard. He further stated that you can't see Mr. Cohn yard due to the over growth in his backyard. He also stated that if he was worried about fire he would cut down the over growth. He lastly stated that he would have to take trees down in order to move the shed forward.

Mr. O'Daniel made a motion to deny the request.

Mr. Hattaway seconded the motion.

The motion passed by unanimous consent (5-0).

16. **180 EILEEN COVE** – Ted Gauvin, applicant; Request for minimum rear yard setback variance from 30 feet to 14 feet for an detached addition in the R-1A (Single-Family Dwelling District); Located on the west side of Eileen Drive at the intersection of Eileen Drive and Oak Drive;(BV2005-141).

Michael Rumer, Senior Planner

This Item was continued until the November 28, 2005 meeting.

17. **2775 AMAYA TERRACE** – Craig Rivers, applicant; Request for minimum rear yard setback variance from 20 feet to 15 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the west side of Amaya Trail 0.1 mile south of the intersection of Amaya Trail & Brightview Drive;(BV2005-143).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the request was for a minimum rear yard setback variance from 20 feet to 15 feet for a proposed screen room addition.

Craig Rivers stated that he was seeking approval for a screen room addition. He further stated that their was a existing slab that is encroaching in the required setbacks.

Hector Labron from White Aluminum stated that his company Engineer determined that the existing slab was encroaching within the setbacks after reviewing the plans for the screen room. He further stated that they would put the screen room on the existing slab. He lastly stated that Mr. Rivers had approval from his Homeowner's Association and support from his neighbors.

Mr. Rozon made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

18. **5111 LAKE HOWELL ROAD** – Robert Heina, applicant; Request for (1) minimum rear yard setback variance from 30 feet to 20 feet; and (2) minimum side yard setback variance from 7 feet 6 inches to 5 feet for a proposed garage in the R-1A (Single-Family Dwelling District); Located on the west side of Lake Howell Road,

approximately 0.1 mile south of the intersection of Lake Howell Road and Arla Court; (BV2005-146).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and that the request was for (1) minimum rear yard setback variance from 30 feet to 20 feet; and (2) minimum side yard setback variance from 7 feet to 5 feet for a proposed garage. He further stated that there was no record of prior variances granted for this property.

Robert Heina stated that he wanted the garage to be as close to the side and back of the house as possible. He further stated that they planned to extend the existing pool deck that was in the back of the home. He showed the Board a picture of the proposed garage and stated he currently had two (2) contractors bidding on the contract. He also stated that the home has no garage because it was enclosed a few years ago. He further stated that a lot of the homes in the area are of side entry garages and he had no other position to put the garage. He lastly stated that he had a letter of support from his adjacent neighbors.

Mr. Bass made a motion to approve the request.

Mrs. Chase seconded the motion.

The motion passed by unanimous consent (5-0).

19. **516 ORANOLE ROAD** – Paul Talmadge, applicant; Request for (1) minimum rear yard setback variance from 10 feet to 6 feet for an existing shed; and (2) minimum side yard setback variance from 10 feet to 4 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located on the south side of Oranole Road, approximately 0.1 mile east of the intersection of Oranole Road and Magnolia Drive; (BV2005-147).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant constructed a 200 square feet shed without a permit, and a notice of violation from the Seminole County Building Division was issued on July 27, 2005. He further stated that there was no record of prior variances granted for that property.

Paul Talmadge stated that the previous shed was destroyed by the hurricanes. He further stated that he hired Factory Direct Garages to install shed. He also stated that they told him because he had a shed there he did not need a permit. He further stated that he purchased a permit ready unit from them, even though they told him he didn't need a permit because he wanted to do everything right.

Mr. Bass made a motion to approve the request.

Mr. Rozon seconded the motion.

The motion passed by (3-2) vote. Mr. Hattaway and Mr. O'Daniel were in opposition.

20. **501 PALM SPRINGS ROAD** – Fanny Boles & Connie Sheppard, applicants; Request for (1) minimum width at building line variance from 90 feet to 75 feet for a proposed home and a; (2) lot size variance from 11,700 square feet to 10,500 square feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the south side of Arden Street at the intersection of Arden Street and Palm Springs Drive; (BV2005-150).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that the applicant proposes to separate lot 10 and half of lot 11 from lots 10, 11, and 12 which contain an existing single – family residence. He further stated that the trend of development is for lot sizes on 100 feet or more.

Connie Sheppard stated that she and her mom purchased the three adjacent lots with the one home existing on lot 1, hoping we could build another home for my mom. She further stated that they would like to build a home similar to the other homes in the neighborhood. She also stated that they had made major improvements to the lot and that some neighbors have come by and thanked them for the improvements. She further stated that the Health Department had already approved the proposed well and septic system. She then showed the Board a site plan showing the lots and where they planned to put the proposed home and stated that it would be within the setbacks. She lastly stated that none of their neighbors had expressed any issues.

Mrs. Chase asked if she had any thing in writing from her neighbors.

Connie Sheppard stated no I don't have anything in writing from anyone.

Todd Christie stated he was the neighbor that lived next to Connie Sheppard lot. He further stated that we are opposing this request due to the fact our home sits very low, and we have three (3) documented cases of drainage problems already. He also stated that most of the homes in the area are on two (2) or three (3) lots. He further stated that he was concerned about septic and drainage problems. He stated that he had a petition of opposition and he felt the propose home would negatively effect the value in the area. He lastly stated that he didn't want his house to flood.

Mr. Hattaway asked how building there would flood his home.

Todd Christie stated that their home sits very low and that when they put the roads in they had some flooding issues with water coming in the garage. He further stated that the other lots are high and with Connie Sheppard building her home it would bring the water to his house.

Connie Sheppard stated that the flooding problem is pre-existing. She showed the plans of the proposed home and stated that her home would not be elevated. She further stated that the Health Department had already approved the septic system and her home would be well above the required setbacks. She lastly stated that the home would be a positive contribution to the area.

Mr. Hattaway asked Connie Sheppard if she would be willing to alter her request from 75 feet to 80 feet splitting the entire property.

Connie Sheppard said yes.

Mr. Bass made a motion to approve; Request for (1) minimum width at the building line from 90 feet to 80 feet and a (2) lot size variance from 11,700 square feet to 10,500 square feet for a proposed home.

Mr. Rozon seconded the motion.

The motion passed by (4-1) vote. Mrs. Chase was in opposition.

MOBILE HOMES

21. **2024 GREEN CEDAR ROAD** – Ginger Howington, applicant; Request for a special exception for the permanent placement of a mobile home in the A-1 (Agriculture District); Located on the northwest corner of the intersection of Mullet Lake Park Road and Green Cedar Road; (BM2005-028).

Kathy Fall, Principal Planner

Kathy Fall introduced the location of the property and stated that in 1986 a special exception for the temporary placement of a single wide mobile home was granted for 5 years. She further stated that the existing mobile home was damaged by the hurricanes and the applicant would like to replace that mobile home with a 2005 mobile home. She also stated that the trend of development is mobile homes and that the mobile homes that had been approved after 1974 had received temporary placement. She lastly stated that staff could not recommend permanent placement of the mobile home but would not object to the limited temporary placement of the proposed mobile home.

Harvey Rushford stated that he represented Ginger Howington. He further stated that Ginger purchased the property in 1993 with the existing mobile home. He also stated that there was no disclosure at sale that the mobile home did not have permanent placement. He further stated that she had recently paid off the mortgage on the land and purchased a new mobile home and found out she had to apply for a mobile home special exception. He stated that he respectfully asked the Board to approve her request. He lastly showed the Board a picture of the new 2005 mobile home.

Mr. Rozon stated that to the best of his knowledge, this is a mobile home area. He further stated that the area also had homes, but heavily mobile homes.

Mr. Bass made a motion to approve the permanent placement of a mobile home.

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (5-0).

22. **400 RACCOON TRAIL** – Merrill Nibert, applicant; Request for a special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning District); Located on the north side of Raccoon Trail, approximately 0.70 miles west of the intersection of Osceola Road and Raccoon Trail; (BM2005-026).

Kathy Fall, Principal Planner

The applicant was not present.

Mr. Rozon made a motion to continue this item until the November 28, 2005 meeting.

Mr. Bass seconded the motion.

The motion passed by unanimous consent. (5-0).

SPECIAL EXCEPTIONS

23. **EAST SEMORAN BLVD (355)** – Wal-Mart Stores, Inc, applicant; Request for special exception to allow gas pumps as an accessory use to an existing business in the C-2 (Retail Commercial District); Located on the south side of East Semoran Blvd; 2,035 feet east of the intersection of US 17-92 and East Semoran Blvd; (BS2005-018).

Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that staff recommended the approval of the request for special exception with the imposition of the following conditions:

- Automotive Mechanical repairs shall be prohibited
- The outdoor storage of supplies, materials or merchandise shall be prohibited
- The proposed use shall otherwise comply with the Seminole County Comprehensive Plan and Land Development Code

Jim Giarrusso with Core State Engineering; stated that they were requesting a special exception to add gasoline pumps in the existing parking field at the Wal-Mart in Fern Park. He further stated that they were proposing six (6) gas dispensers under a new canopy 245 square foot building for the attendant, with strictly gas sales. He also stated that they would exceed the parking requirements and provide full plans with the building permit application. He lastly showed the

Board pictures of what the proposed Gas Station would look like and stated it would have state of the art equipment.

Mr. Rozon made a motion to approve the special exception request.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (5-0).

24. **1171 SANDY LANE – PACE / Richard M. Dunn (Brantley Hall, Inc.), applicants;** Request for special exception to expand an existing private school for children with learning disabilities in the A-1 (Agriculture District); Located on east side of Sandy Lane, approximately 0.1 mile south of the intersection of Sandy Lane and Sand Lake Road; (BS2005-019).
Michael Rumer, Senior Planner

Michael Rumer introduced the location of the property and stated that staff recommended approval subject to the proposed site plan's compliance with chapter 40 of the Land Development Code and the imposition of the conditions of the original special exception dated November 24, 2003:

- The school and associated facilities shall be operated only for students with learning disabilities
- The school and its associated facilities shall not be opened on holidays or weekends
- The site plan for building modification shall be reviewed by the Development Review Committee for compliance with applicable regulations
- Total enrollment shall not exceed 200 students
- Outside activities shall be restricted to between the hours of 12:30 p.m. and 8:00 p.m.
- A solid fence or hedge shall be continued along the western property line to incorporate the subject property into the overall school site
- Access shall be provided to the site from the adjoining school property to the north; existing access to Sandy Lane shall be closed
- The proposed library conversion shall meet code requirements
- Prior to the issuance of development permits, an engineered site plan shall be required to ensure compliance with stormwater requirements (pre-development rate of discharge for the 25 year, 24 hour storm event)
- Prior to the issuance of development permits, a listed species survey shall be required to address the occurrence of threatened, endangered, or special concern species
- Prior to the issuance of development permits, a site plan that meets the requirements of chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee

Mark Bessette stated that he represented the Pace – Brantley School. He further stated that he was the Design Builder for the project. He also stated that they were

ready to submit for permits as they get approval from the Board. He further stated that they were going to install a new septic system because they were adding bathrooms. He continued by stating that the side walk that had been added to the site would go to a master parking lot on the site. He further stated that the school was required to have the Library to meet their accreditation. He lastly stated that he didn't object to staff recommendations.

Mr. Bass made a motion to approve the request.

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (5-0).

APPROVAL OF SEPTEMBER 2005 MEETING MINUTES

Mr. Rozon made a motion to approve September 26, 2005 Minutes

Mr. O'Daniel seconded the motion.

The motion passed by unanimous consent (5-0).

ADJOURNMENT

Time of Adjournment was 10:10 P.M.